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PATENT

REMARKS

Applicant respectfully presents Claims 1, 2, 4-12 and 14-27 for examination in the RCE filed herewith. Claims 3 and 13 were previously canceled and Claims 1, 11 and 21 are amended herein. No new claims have been submitted. Applicant respectfully submits that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated February 19, 2004 in the parent application.

35 U.S.C. § 112

Claims 1, 2, 4-12 and 14-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner submits that the phrase "appearing" in Claims 1, 11 and 21 renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Applicant respectfully submits that the claims, as amended herein, no longer include the phrase "appearing" and, as such, Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 112 rejection to Claims 1, 2, 4-12 and 14-27.

35 U.S.C. § 102

Claims 1-2, 4-12 and 14-27 stand rejected under 35 U.S.C. § 102 as anticipated by Arai, et al., U.S. Patent No. 6,496,893 (hereafter "Arai"). The Examiner submits that Arai teaches all the elements of independent Claims 1, 11 and 21. Applicant respectfully traverses the rejection.

The invention, as claimed in independent Claims 1, 11 and 21, is directed to a method, article and apparatus for a parent device to access the service of a child device in a driver stack. More specifically Claim 1, as amended, includes creating a virtual device, binding the virtual device to the parent device, inserting the virtual device in the driver stack below the child device, and accessing the service of the child device by the parent device with a request from the virtual device on behalf of the parent device. Claim 11 is an article of manufacture claim including similar elements, while Claim 21 is directed to an apparatus that includes similar elements.

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In contrast, Arai discloses a system for allowing users to make exchanges of devices while the computer system is running or in a sleeping state (Arai, Abstract). The Examiner suggests that various portions of Arai disclose the elements of independent Claims 1, 11 and 21. Applicant strongly disagrees. The sections highlighted by the Examiner merely discuss "virtual device drivers" as a component of the plug and play framework (see e.g., Arai, Col. 3, lines 13-15). None of these sections, however, disclose accessing the service of the child device by the parent device with a *request from the virtual device on behalf of the parent device* (emphasis added). The Examiner suggests that Arai, Col.9, lines 1-30 discusses this element (prior to amendment). Applicant respectfully submits that nothing in Arai, Col. 9, lines 1-30 may be construed as such. Specifically, this section of Arai describes how various device drivers are loaded and utilized. There is no description, however, of how a child device may be accessed by a parent device with a request from a virtual device on behalf of the parent device.

Applicant therefore respectfully submits that since Arai does not disclose at least one of the elements of Claims 1, 11 and 21, the use of Arai as a 35 U.S.C. § 102 reference is improper. Additionally, since Claims 2 and 4-10 are dependant on Claim1, Claims 12 and 14-20 are dependant on Claim 11 and Claims 22-27 are dependant on Claim 21, Arai also does not anticipate these dependant claims. Applicant therefore respectfully requests the Examiner to withdraw the 35 U.S.C. § 102 rejections to pending Claims 1-2, 4-12 and 14-27.

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CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that Claims 1-2, 4-12 and 14-27 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (310) 406-2362.

Respectfully submitted,

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